

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ZAKO BASSIL,

Plaintiff,

vs.

Case No. 16

LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON,

Defendant.

_____/

GREG LIEPSHUTZ (P37573)
Attorney for Plaintiff
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PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, ZAKO BASSIL, by her attorneys, GREG M. LIEPSHUTZ and LEVINE BENJAMIN, P.C., and for her Complaint against Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, states as follows:

1. At all times relevant hereto, Plaintiff, ZAKO BASSIL, is a resident of the City of Sterling Heights, County of Macomb, and State of Michigan.
2. At all times relevant hereto, Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, is a foreign insurance corporation in



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good standing and continuously conducting business throughout the State of Michigan.

3. At all times relevant hereto, Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, ZAKO BASSIL, and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 *et seq.*

5. The terms of said contract of insurance obligated Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, to provide Plaintiff, ZAKO BASSIL, with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, ZAKO BASSIL, suffers from a cervical disc, stenosis, and severe diarrhea. As a result, Plaintiff's conditions have made it impossible for her to work.

7. Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON has wrongfully denied Plaintiff disability benefits.

8. Defendant's denial of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's



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claim of total and permanent disability. Defendant's termination of Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, ZAKO BASSIL, has exhausted all appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, ZAKO BASSIL, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and resume payment of Long-Term Disability benefits.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to him under the terms of the plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful termination of disability benefits, Plaintiff, ZAKO BASSIL, has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;



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WHEREFORE, Plaintiff, ZAKO BASSIL, prays for Judgment in her favor and against the Defendant, LIBERTY LIFE ASSURANCE COMPANY OF BOSTON, in whatever amount she is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ GREG M. LIEPSHUTZ (P37573)

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Dated: June 15, 2016



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